

REMARKS/ARGUMENTS

Claims 9, 10, 20, 21, 23, 32, and 33 are pending in the present application. Claims 1-8, 11-19, 22, 24-31, and 34 are canceled; and claims 9, 20, 23, and 32 are amended. Claims 9, 20, and 32 are amended into independent form including all of the limitations of the base claim and any intervening claims. Independent claim 23 is amended to include the same allowable subject matter as claims 9, 20, and 32. In addition, claim 32 is amended to overcome the rejection under 35 U.S.C. § 101. Applicants respectfully submit that these amendments place the present application in condition for allowance. Reconsideration of the claims is respectfully requested.

I. Allowable Subject Matter

The Office Action states that claims 9, 10, 20, 21, 32, and 33 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9, 20, and 32 are amended as indicated. Independent claim 23 is amended to include the same allowable subject matter as claims 9, 20, and 32. Claims 10, 21, and 33 are in condition for allowance at least by virtue of their dependency on amended claims 9, 20, and 32, respectively. Therefore, claims 9, 10, 20, 21, 23, 32, and 33 are now in condition for allowance.

Claims 1-8, 11-19, 22, 24-31, and 34 are canceled. Therefore, Applicants respectfully submit that the present application is now in condition for allowance.

II. 35 U.S.C. § 101

The Examiner has rejected claims 24-34 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

The Office Action states:

With respect to claims 24-34, the “computer-readable recording medium,” in accordance with Applicant’s specification, may be a transmission-type media, such as digital and analog communications links, wired or wireless communications links using transmission forms, such as for example, radio frequency and light wave transmissions. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Office Action dated April 30, 2007, page 2.

Claims 24-31 and 34 are canceled. Claim 33 is dependent upon claim 32. Applicants have amended claim 32 to overcome this rejection.

III. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-5, 11-16, 22-28, and 34 under 35 U.S.C. § 102(e) as being anticipated over Ramaswamy et al. (US 6,622,199). Claims 1-5, 11-16, 22, 24-28, and 34 are canceled. Claim 23 is amended to include the same allowable subject matter as claims 9, 20, and 32. Thus, claim 23 is in condition for allowance. Therefore, the rejection of claims 1-5, 11-16, 22-28, and 34 under 35 U.S.C. § 102(e) has been overcome.

IV. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 6-8, 17-19, and 29-31 under 35 U.S.C. § 103(a) as being unpatentable over Ramaswamy et al. (US 6,622,119) in view of Acero et al. (US PGPub 2004/0148170). Claims 6-8, 17-19, and 29-31 are canceled. Therefore, the rejection of claims 6-8, 17-19, and 29-31 under 35 U.S.C. § 103(a) has been overcome.

V. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

Applicants have amended 9, 20, 23 and 32 and have canceled claims 1-8, 11-19, 22, 24-31, and 34 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Gerald H. Glanzman/

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